



**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
HEALTH AFFAIRS**

16401 EAST CENTRETECH PARKWAY
AURORA, CO 80011-9066

May 9, 2013

MuckRock News
ATTN: Michael Morisy
DEPT MR 5498
P.O. Box 55819
Boston, MA 02205-5819

Dear Mr. Morisy:

Thank you for your Freedom of Information Act (FOIA) Request received in this office on May 6, 2013. Your request has been assigned Control Number 2013-083 (FOIA). Please refer to this number in any future correspondence on this matter.

The FOIA office for the Assistant Secretary of Defense for Health Affairs/TRICARE Management Activity (HA/TMA) declines to provide you a fee waiver. After reviewing your request we determined that your request does not meet the guidelines (<http://www.dod.mil/pubs/foi/feewaiver.html>) for granting a fee waiver.

Fee waivers may be granted when the disclosure of the records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Department of Defense. The following six factors are considered in making a fee waiver determination (all six factors must be met before a fee waiver request can be granted):

1. The Subject of the Request. The subject of the request involves the operations or activities of TMA.
2. The Informative Value of the Information to be Disclosed. The disclosure of information is likely to contribute to a meaningful understanding of TMA operations and activities.
3. The Contribution to an Understanding of the Subject by the General Public Likely to Result from Disclosure. The disclosure of the information will inform, or have the potential to inform the public. The identity of the requester is essential in this situation in order to determine whether such requester has the capability and intention to disseminate the information to the public.
4. The Significance of the Contribution to Public Understanding. The disclosure is likely to contribute "significantly" to the public understanding of TMA operations or activities.
5. Commercial Interest. The waiver cannot be granted if the requester's commercial interest would be furthered by the requested disclosure.
6. The Primary Interest in Disclosure. A waiver cannot be granted if the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, thereby rendering the disclosure "primarily in the commercial interest of the requester."

It has been determined that three of the above factors were not met. The request did not provide evidence for meeting factor 4 because it did not include proof the information will "significantly" contribute to the public understanding of TMA operations; factor 5 because it does not include proof that the requester's commercial interest would not be furthered by the requested disclosure; and it does not meet factor 6 because it does not provide evidence that the request for information is not "primarily in the commercial interest of the requester."

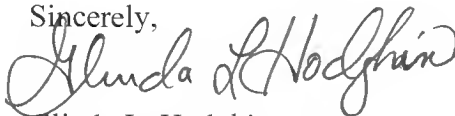
For your information, established DoD fees are: clerical search or review, \$20.00 per hour; professional search or review, \$44.00 per hour; executive review, \$75.00 per hour; computer search, varies according to the system used, billed per minute; microfiche, \$0.25 per page; office copy reproduction, \$0.15 per page, and printed publication or reports, \$0.02 per page. Your request has been categorized as "commercial" in nature. Requesters categorized as "commercial" in nature are charged for all search, review and duplication fees.

If you still desire a search for the records you indicated, please send this Office your written agreement to pay search, and reproduction charges as a "commercial" requester within 30 days from the date of this letter. Failure to state a willingness to pay applicable fees will be considered a voluntary withdrawal of your request. The address, fax number, and e-mail address are:

TRICARE Management Activity
ATTN: Freedom of Information Act Officer
16401 East Centretch Parkway
Aurora, CO 80011-9043
FAX: (303) 371-4170
e-mail: FOIARequests@tma.osd.mil

If you are not satisfied with this action, you may appeal to the appellate authority, Director of Administration and Management, Office of the Secretary of Defense. To submit your appeal, you should write directly to the Defense Freedom of Information Policy Office, Attn: Mr. James Hogan, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal should be postmarked within 60 calendar days of the date of this letter, should cite the above referenced control number, and should be clearly marked "Freedom of Information Act Appeal." If you have any questions on processing your request under the FOIA, please call me at (303) 676-3418 or Ms. Gretchen Mabry at (703) 921-1639.

Sincerely,



Glinda L. Hodgkin
Chief, Freedom of Information Service Center
Privacy and Civil Liberties Office